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|---|-------------|----------------------|--------------------------------|------------------|
| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.            | CONFIRMATION NO. |
| 10/658,370  | 09/10/2003  | Takashi Yamazaki     | 008312-0305862                 | 3316             |
| 909 7590 03/09/2007<br>PILLSBURY WINTHROP SHAW PITTMAN, LLP<br>P.O. BOX 10500<br>MCLEAN, VA 22102 |             |                      | EXAMINER<br>HUSON, MONICA ANNE |                  |
|   |             |                      | ART UNIT                       | PAPER NUMBER     |
|   |             |                      | 1732                           |                  |
| SHORTENED STATUTORY PERIOD OF RESPONSE  |             | MAIL DATE            | DELIVERY MODE                  |                  |
| 3 MONTHS  |             | 03/09/2007           | PAPER                          |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/658,370             | YAMAZAKI ET AL.     |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Monica A. Huson        | 1732                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2 and 3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2 and 3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This office action is in response to the RCE filed 24 January 2007.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Kamiguchi et al. (U.S. Patent 6,527,534).

Regarding Claim 2, Kamiguchi et al., hereafter "Kamiguchi," show that it is known to carry out a method of detecting a malfunction in an electric injection molding machine, the method being applied to the ejection of a molded product by pushing an ejector pin out of a die (Abstract), the method comprising obtaining a pattern characterizing torque of an ejector pin driving motor relative to time (Figure 5); setting in advance a plurality of monitoring zones, at least one monitoring zones (Column 10, lines 62-67; Column 11, lines 1-21; positions=zones) based on the pattern and the upper and lower limits of torque in each of the monitoring zones (Figure 5; Column 4, lines 45-50; Column 5, lines 51-57); and monitoring a torque value in each of the monitoring zones during ejection of the molded product and determining that a malfunction occurs when the torque value falls outside the upper and lower limits of the monitoring zones, and counting the number of malfunctions (Figure 5; Column 1, lines 62-65; Column 4, lines 45-50; Column 5, lines 4-10, 52-57; Column 8, lines 64-67; Column 9, lines 1-9); and raising an alarm when

the number of malfunctions during a single ejection reaches a predetermined number (Column 1, lines 62-65; Column 9, lines 1-9; It is noted that the “predetermined number” of malfunctions is interpreted as being able to include one (1) malfunction.).

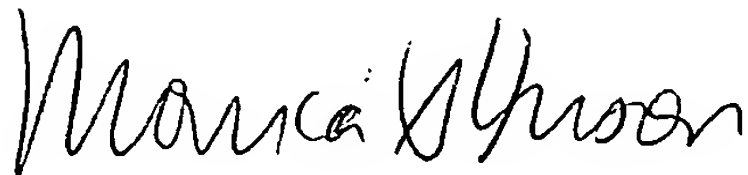
Regarding Claim 3, Kamiguchi shows that it is known to carry out a method of detecting a malfunction in an electric injection molding machine, the method being applied to the ejection of a molded product by pushing an ejector pin out of a die (Abstract), the method comprising obtaining a pattern characterizing torque of an ejector pin driving motor relative to time (Figure 5); setting in advance at least one monitoring zone based on the pattern and the upper and lower limits of torque in each of the monitoring zones (Figure 5; Column 4, lines 45-50; Column 5, lines 51-57); and monitoring a torque value in each of the monitoring zones during the ejection of the molded product and determining that a malfunction has occurred when the torque value falls outside the upper and lower limits of the monitoring zones, and counting the number of malfunctions (Figure 5; Column 1, lines 62-65; Column 4, lines 45-50; Column 5, lines 4-10, 52-57; Column 8, lines 64-67; Column 9, lines 1-9); and raising an alarm when the number of malfunctions occurring within a predetermined time reaches a predetermined number (Column 1, lines 62-65; Column 9, lines 1-9; It is noted that the “predetermined number” of malfunctions is interpreted as being able to include one (1) malfunction. It is further noted that the “predetermined time” is interpreted as being able to include the time for a single ejection step.).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica A. Huson whose telephone number is 571-272-1198. The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Monica A Huson

March 5, 2007